

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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|----------------------------|---|-------------------------------|
| FLEMING COMPANIES, INC. |) | CASE NO. 1:01-cv-088 |
| |) | |
| Plaintiff, |) | MAG. JUDGE HOGAN |
| |) | |
| v. |) | |
| |) | |
| KENNETH L. BARBOUR, et al. |) | RESPONSE OF PLAINTIFF FLEMING |
| |) | COMPANIES, INC. TO MOTION FOR |
| Defendants. |) | RELIEF FROM ORDER |

Now comes Plaintiff, Fleming Companies, Inc. and in response to Defendant Reva J. Boone's Motion for Relief from Order, submits the "Agreed Order on Motion for Relief from Order" attached hereto as Exhibit "A". As shown on the attached Agreed Order, counsel for Plaintiff and Defendant have discussed the Motion and propose the attached resolution for same.

Respectfully submitted,

s/ Robert J. McBride
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Counsel for Plaintiff,
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PROOF OF SERVICE

I hereby certify that on July 21, 2006, a copy of the foregoing Response of Plaintiff Fleming Companies, Inc. to Motion for Relief from Order was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ Robert J. McBride
Robert J. McBride

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